

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

v.

JAMES L. JORDAN,
Defendant,

)
)
)
)
)
)

Case No. 1:19mj00057

ORDER

Pursuant to 18 U.S.C. §§ 4241(b) and 4247(b), the court previously ordered that the defendant be detained for psychiatric or psychological examination to determine competency. The report of that examination has now been received by the court, which report advises that the defendant is incompetent to understand the nature and consequences of the proceedings in this court and to assist properly in his defense. A hearing on this issue was held on July 3, 2019, at which time counsel for both the government and the defendant stated that they wished to rely on the information contained in this report and did not wish to present any other evidence.

Accordingly, based on the evidence before the court, the court finds that the defendant is mentally incompetent for the charges against him to proceed at this time. Pursuant to 18 U.S.C. 4241(d)(1), it is **ORDERED** that the defendant is committed to the custody of the Attorney General to be hospitalized for treatment in a suitable mental health facility for a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future the defendant will attain the capacity to permit the charges against him to proceed.

The court **ORDERS** that the Bureau of Prisons designate the facility to which the defendant will be transferred **forwith** and recommends that the defendant be designated to the Federal Medical Center at Butner, North Carolina.

At the conclusion of this period the treating psychiatrist or psychologist shall report his/her findings to this court as to the following:

1. Whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or assist properly in his defense; and

2. If so, whether there is a substantial probability that in the foreseeable future the defendant will attain the capacity to permit him trial to proceed.

The report shall be **SEALED** by the Clerk upon receipt with a copy provided to all counsel of record.

The Clerk is directed to send copies of this Order to all counsel of record and the U.S. Marshals Service.

ENTERED: July 8, 2019.

/s/ Pamela Meade Sargent
UNITED STATES MAGISTRATE JUDGE